

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Office of Engineering and Technology Seeks)	ET-Docket No 16-313
Comment on Application by the American)	
Association for Laboratory Accreditation)	
(A2LA) for Expanded Scope Recognition as a)	
Laboratory Accreditation Body for Authority)	
to Accredite Laboratories in Additional)	
Countries)	
)	
Office of Engineering and Technology Seeks)	
Comment on Application by the National)	
Voluntary Laboratory Accreditation Program)	
(NVLAP) for Expanded Scope Recognition as)	
a Laboratory Accreditation Body for)	
Authority to Accredite Laboratories in)	
Additional Countries)	

To: The Commission

**COMMENTS OF HUAWEI TECHNOLOGIES, INC. (USA) and
HUAWEI TECHNOLOGIES CO., LTD.**

Huawei Technologies, Inc. (USA) and Huawei Technologies Co., Ltd. (collectively “Huawei”)¹ offer these comments in response to the public notices released by the Federal Communications Commission (“FCC” or “Commission”) on the requests of the American Association for Laboratory Accreditation (“A2LA”) and the National Voluntary Laboratory Accreditation Program (“NVLAP”) to be recognized as accreditation bodies authorized to perform accreditations of testing laboratories located in China and other designated countries that

¹ Huawei Technologies, Inc. (USA), based in Plano, Texas, is a subsidiary of Huawei Technologies Co., Ltd., headquartered in Shenzhen, Guangdong Province, People’s Republic of China. Continuous innovation based on customer needs drives our more than 170,000 employees globally—including 1,500 employees in the United States—in order to create maximum value for telecommunications carriers, enterprises, and consumers and to enable a better connected world.

have not entered in a Mutual Recognition Agreement (“MRA”) with the United States.² Huawei greatly appreciates the Commission’s responsiveness to the challenges raised by affected stakeholders on the ability of radiofrequency (“RF”) equipment manufacturers and testing laboratories located in non-MRA countries to continue to satisfy FCC equipment authorization program requirements as modified by the Report and Order of December 2014 in this proceeding.³ Huawei believes FCC-recognition of both A2LA and NVLAP pursuant to Part 2.949 of the FCC rules and recent guidance published on the Commission’s Knowledge Database (“KDB”) system⁴ offers the potential for Huawei’s Global Compliance and Testing Center (“GCTC”)—a testing laboratory accredited by a U.S.-based accreditation body under previous program rules—to maintain (and for other similarly-situated laboratories to obtain and/or maintain) accreditation despite its location in a non-MRA country, consistent with current program requirements.

In light of the fact that compliance with the laboratory accreditation requirements is now less than nine months away, as stipulated by the Commission’s Memorandum Opinion and Order

² See *Office of Engineering and Technology Seeks Comment on Application by the American Association for Laboratory Accreditation (A2LA) for Expanded Recognition as a Laboratory Accreditation Body for Authority to Accredite Laboratories in Additional Countries*, Public Notice, DA 16-1138, ET Docket No. 16-313 (rel. Oct.5, 2016), and see *Office of Engineering and Technology Seeks Comment on Application by the National Voluntary Laboratory Accreditation Program (NVLAP) for Expanded Scope Recognition as a Laboratory Accreditation Body for Authority to Accredite Laboratories in Additional Countries*, Public Notice, DA 16-1139, ET Docket No. 16-313 (Rel. Oct. 5, 2016).

³ See *Amendment of Parts 0, 1, 2, and 15 of the Commission’s Rules Regarding Authorization of Radiofrequency Equipment; Amendment of Part 68 regarding Approval of Terminal Equipment by Telecommunications Certification Bodies*, Report and Order, 29 FCC Rcd 16335 (2014) (*Report and Order*) (codified at 47 C.F.R. § 2.249); and *Memorandum Opinion and Order and Order on Reconsideration* , ET-Docket 13-44, RM-11652 (rel. June 15, 2016) (*Memorandum Opinion and Order and Order on Reconsideration*) (extending the transition period by which all laboratories that test for equipment authorization must have FCC-recognition to perform such testing and directing the FCC Office of Engineering and Technology to publish guidance on the submission of a request by an entity to obtain FCC-recognition as an accredited laboratory body).

⁴ 47 C.F.R. § 2.249; and see KDB Publication 974614 D01 and KDB Publication 974614 D02 (June 16, 2016) at: <https://apps.fcc.gov/oetcf/kdb/forms/FTSSearchResultPage.cfm?id=44684&switch=P>.

and Order on Reconsideration released June 15, 2016,⁵ the requests of both applicants were filed immediately after publication of the KDB guidance on recognition procedures.⁶ Further, both applicants supplemented the requests with substantial evidence to demonstrate their credentials and qualifications to accredit testing laboratories consistent with FCC requirements. As noted by the Commission in its action to extend the compliance deadline, “sufficient time” will help “to ensure that a sufficient number of laboratories will be recognized by the [July 13,] 2017 deadline so as not to unduly disrupt the equipment development and manufacturing process.”⁷ Huawei believes that expeditious action by the FCC on both the A2LA and NVLAP requests will maintain market stability and serve the public interest by providing both certainty to manufacturers of RF equipment and a means for testing laboratories in those countries to pursue accreditation in accord with the FCC equipment authorization program rules.

In comments submitted earlier in this proceeding, Huawei embraced the Commission’s efforts to modernize its equipment authorization program and supported its judgment that requiring accreditation of all testing laboratories “is essential for ensuring compliance with the Commission’s technical rules in the face of increasingly complex technology and devices,” thereby providing “a higher degree of confidence that equipment testing done in support of certification is conducted in accordance with the applicable standards.”⁸ In fact, Huawei’s commitment to ensure the highest quality in testing and performance of its own equipment is so

⁵ See *Report & Order* at 16372, at ¶ 94; and see *Memorandum Opinion and Order and Order on Reconsideration*, at ¶ 16.

⁶ See American Association for Laboratory Accreditation, Test Laboratory Authorization Request submitted to the FCC (June 22, 2016); and National Voluntary Laboratory Accreditation Program, Request for Recognition submitted to the FCC (July 6, 2016).

⁷ See *Memorandum Opinion and Order and Order on Reconsideration*, at ¶ 15.

⁸ See *Memorandum Report and Order and Order on Reconsideration*, at ¶ 5. Also see Comments of Huawei Technologies, Inc. (USA) and Huawei Technologies, Ltd. Supporting Petitions for Clarification of Motorola Solutions, Inc. and the Telecommunications Industry Association (filed Dec. 15, 2015) (Huawei Comments).

fundamental to meeting customer needs that, despite the absence of a requirement that testing of equipment be performed by an accredited testing laboratory under previous program rules, Huawei's GCTC in 2004 obtained, and has since maintained, accreditation based on ISO/IEC Standard 17205, *General Requirements for the Competence of Calibration and Testing Laboratories*, and FCC requirements.⁹

Operational since 1996 at Huawei's global headquarters in Shenzhen, Longgang District, and other locations throughout the People's Republic of China, the GCTC first became an FCC-listed testing laboratory in 2000. In 2004, GCTC received accreditation from A2LA, an FCC-recognized accreditation body and one of the two applicants, as compliant with ISO/IEC 17025 for testing certain wireless equipment under both the Declaration of Conformity and Certification procedures consistent with FCC technical requirements. Most recently re-accredited for their sixth time in July 2016, the GCTC has maintained its accreditation over the past 12 years and will continue to seek accreditation under the FCC program. With more than 180 employees that perform RF, safety and all other compliance and reliability testing, product design consultations and certifications, Huawei is proud to have achieved and maintain accreditation for the GCTC and believes it to be essential that the laboratory satisfy the highest international standards for conformity assessment for all of its network and consumer products.

Huawei's ability to maintain accreditation of the GCTC has been dependent upon either the successful conclusion of an MRA between the United States and China, or establishment of procedures by the FCC setting forth the means by which accreditation bodies can obtain FCC-recognition to accredit laboratories in non-MRA countries. As the former has not yet been

⁹ See 47 C.F.R. Part 2 Subpart J. Under previous rules, devices authorized under the Certification process that operate pursuant to Part 15 or 18 of the Commission's rules could be tested in a facility that was either accredited or designated as "2.948-listed," subject to the submission of certain specified information to the FCC. See *Report and Order* at 16352, ¶ 39.

accomplished, Huawei welcomes FCC's actions on the latter. In the absence of an MRA between the United States and China, FCC's actions provide an interim pathway that allows for the U.S. market to remain open and competitive for equipment manufacturers, ultimately benefiting U.S. network operators and consumers. While Huawei will readily adhere to a process for accreditation of the GCTC under an MRA if/when the United States and China enter into such an agreement, Huawei applauds efforts by the FCC to not leverage its equipment authorization program rules to advance other policy objectives. Indeed, in describing the Report and Order in this proceeding, the Commission said its actions were intended to "enable us to meet the challenges of an RF equipment ecosystem that has significantly expanded since the Commission last comprehensively reviewed its equipment authorization procedures more than fifteen years ago."¹⁰ Hence, rather than exclude testing laboratories in non-MRA countries from evaluating RF equipment based on ISO/IEC standards and participating in the FCC program, FCC clearly notes that its "objective is to enable innovation and growth in the development and use of RF devices by providing a clear path for products to demonstrate compliance with the FCC rules so that they may be brought to the market expeditiously."¹¹

In the December 2014 Report and Order modifying the equipment authorization program rules, FCC acknowledged that procedures would need to be developed in order to recognize laboratories in non-MRA countries.¹² Upon extending the compliance date, the Commission noted further, "there is no practical experience nor specific public guidance that parties can draw

¹⁰ See *Amendment of Parts 0, 1, 2, and 15 of the Commission's Rules Regarding Authorization of Radiofrequency Equipment; Request for Alliance of Optional Economic Labeling for Wireless Devices*, Notice of Proposed Rulemaking, 30 FCC Rcd 7725, 7726, at ¶ 2 (2015). This Notice of Proposed Rulemaking addressed the types of authorization procedures used to approve equipment, the effect of changes to authorized equipment, and the responsibilities of the parties. *Id.* at 7731, ¶ 15

¹¹ See *Id.*

¹² See *Report and Order*, at 16375, n.144.

upon when considering how to comply with our rules in this regard, hindering organizations from applying for permission to serve as FCC-recognized [accreditation bodies] under these circumstances.”¹³ To resolve this predicament, the Commission directed the Office of Engineering and Technology [“OET”] to “publish, pursuant to the authority provided in our rules, specific guidance as to the form and substance such submissions should take—e.g., the mechanism by which such a body would make its request for approval as an [accreditation body]—in its Knowledge Database (KDB).”¹⁴

OET released the KDB guidance on the very next day and the applicants submitted their requests for recognition shortly thereafter.¹⁵ These developments not only offer a realistic path forward, but also something quite momentous; as described by A2LA in a press release, “For the first time in history, the KDB now provides a procedure for laboratories that are located in countries that do not have a government-to-government MRA with the United States... to become designated as accredited (recognized) test firms with the FCC.”¹⁶

The KDB guidance on the recognition of accreditation bodies is clear as to the submission of general information by the accreditation body, including: the specific countr(ies) where it will perform accreditations, authorization by respective governments to accredit testing laboratories and the ability of the accreditation bodies to actually perform assessments in such countr(ies); and technical qualifications and credentials to accredit laboratories that test

¹³ See *Memorandum Report and Order and Order on Reconsideration*, at ¶ 10. In this action, the Commission notes that informal inquiries were made on obtaining FCC-recognition as an accreditation body, but also affirms that “the Commission has not yet described a process by which domestic and foreign [accreditation bodies] can accredit in non-MRA countries.” *Id.*

¹⁴ See *Id.* at ¶ 11.

¹⁵ KDB Publication 974614 D01 at: <https://apps.fcc.gov/oetcf/kdb/forms/FTSSearchResultPage.cfm?id=44684&switch=P>; *supra* n. 6.

¹⁶ See A2LA Press Release, “A2LA Pursuing Recognition to Accredit Test Firms in Non-MRA Countries” (June 28, 2016), available at https://www.a2la.org/press_releases/2016_06_A2LA_FCC_Application_Press_Release.pdf

equipment per FCC requirements, such as experience with accrediting electromagnetic compatibility, radio and telecommunications testing laboratories to the ISO/IEC 17205:2005 standard. Both applications have submitted to the Commission substantial information and documentation responsive to FCC rules and the KDB guidance. Huawei believes that both applications deserve expeditious review by the Commission in order to ensure testing laboratories in China and the other non-MRA countries specified by the applicants have certainty and sufficient time to ensure compliance by the July 13, 2017 deadline.

Huawei thanks the Commission, again, for its attention to this matter over the past year and for adopting procedures that provide a path forward for both RF-equipment manufacturers and testing laboratories in non-MRA countries. With little more than 250 days to go until the compliance deadline, Huawei urges the FCC to allow sufficient time for affected stakeholders to be prepared and rapidly consider the merits of, and take final action on, both the A2LA and NVLAP applications.

Respectfully submitted,

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